

COMMISSION MEETING MINUTES

Indiana Fire Prevention and
Building Safety Commission
Government Center South
302 W. Washington Street
Indianapolis, Indiana 46204
Conference Center Room B

January 7, 2014

Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Hawkins at 10:41 a.m. on January 7, 2014.

(a) Commissioners present at the Commission meeting

Diana M. H. Brenner
Thomas Cloud
Michael Corey
Kevin Goeden, representing the Commissioner, Department of Labor
John Hawkins, Chairman
Todd Hite, representing the Commissioner, Department of Health
Matt Mitchell
Patrick Richard
Craig Von Deylen

Commissioners not present at the Commission meeting:

Ron Brown
James Hoch

(b) The following departmental and support staff were present during the meeting:

Legal and Code Services
Mara Snyder, Director, Legal and Code Services
Cecilia Ernstes-Boxell, Code Specialist
Denise Fitzpatrick, Code Specialist
John Haines, Code Specialist
Beth Sutor, Secretary

(c) James Schmidt, Deputy Attorney General, and Gary Bippus, Administrative Law Judge, were present.

2. Old Business

Chairman Hawkins called for any corrections or a motion to approve the minutes of the December 3, 2013, meeting. Commissioner Corey moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

3. Variances

Tabled Variances

The proponent for variance 13-11-12, Hoosier House Furnishings LLC, Goshen, had requested it be tabled. Commissioner Von Deylen moved to table, with the second by Commissioner Corey. It was voted upon and carried. The proponent for variance 13-11-13, Sincere Heart Adult Day Care Center, Merrillville, had requested it be tabled. Commissioner Von Deylen moved to table, with the second by Commissioner Corey. It was voted upon and carried. The proponent for variance 13-12-21, 521 Franklin Square Apartments A-C, LaPorte, had requested it be tabled. Commissioner Corey moved to table, with the second by Commissioner Brenner. It was voted upon and carried. Variance 13-12-25, Ash Tenant Space, Carmel, was to be heard later in the meeting. The proponent for variance 13-12-34, Lake Rudolph Campground & RV Park, Santa Claus, had requested it be tabled. Commissioner Corey moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance 13-12-40, 511 E. 14th Street Windows, Bloomington, had been incomplete and was now eligible for action. Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried. Variance 13-12-41, 513 E. 14th Street Windows, Bloomington, had been incomplete and was now eligible for action. Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried. Variance 13-12-42, Rolls-Royce Plant 8, Indianapolis, was represented by Ralph Gerdes, Ralph Gerdes Consultants. The request was to allow temporary exiting during the demolition of the office area, expected to last eight months. The owner would install temporary exiting signage and provide evacuation training for employees. Sprinklers would remain in service. Following discussion, Commissioner Corey moved to approve with the condition that the variance would be in effect until December 2014. Commissioner Brenner made the second. It was voted upon and carried.

Regular Variances

Chairman Hawkins called for any abstentions or variances to be called out of the block vote. Commissioner Mitchell noted he would abstain from voting on 14-1-69(a)(b)(c), Model Mill Building, Noblesville. Commissioner Cloud noted he would abstain from voting on variance 14-1-37(a)(b)(c)(d)(e), Indiana State University Mills Hall, Terre Haute. Commissioner Hawkins noted he would abstain from voting on variance 14-1-12(a)(b)(c)(d), Mitchell Public Library Interior Renovation, Mitchell. Commissioner Von Deylen noted he would abstain from voting on 14-1-20, 1002 Broad Ripple Avenue, Indianapolis, 14-1-23(a)(b)(c)(d)(e)(f)(g), Artistry Phase II North Building, Indianapolis, and 14-1-24(a)(b)(c)(d)(e), Artistry Phase II South Building, Indianapolis. Commissioner Corey then moved to approve all remaining "A" and "B" variances

with the exception of 14-1-12, Mitchell Public Library Interior Renovation, Mitchell. The second was made by Commissioner Richard. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 14-1-3 Good Samaritan Hospital, Vincennes
- (2) 14-1-8 Lawrence North High School Fire Hose Removal, Indianapolis
- (3) 14-1-9 Greensburg Municipal Airport Above Ground Fuel Tank, Greensburg
- (4) 14-1-10(a)(b)(c) Grace Presbyterian Church Addition and Renovation, Indianapolis
- (5) 14-1-11 531 Apartments, Bloomington
- (6) 14-1-13(a)(b)(c) Kokomo High School Stadium Renovation, Kokomo
- (7) 14-1-14 The Lofts at Pulliam Square, Indianapolis
- (8) 14-1-17 King's Daughters' Health Cancer Center Addition, Madison
- (9) 14-1-23(c)(d)(g) Artistry Phase II North Building, Indianapolis
- (10) 14-1-24(c)(d) Artistry Phase II South Building, Indianapolis
- (11) 14-1-25 Fox Apartments, Bloomington
- (12) 14-1-26 Taxman Brewery, Bargersville
- (13) 14-1-28(a) New Haven Middle School, New Haven*
- (14) 14-1-30 JKL, Inc. d/b/a Etna Pub, Ellettsville
- (15) 14-1-31 2151 S. Bent Tree Drive Windows, Bloomington
- (16) 14-1-37(a)(b)(d)(e) Indiana State University Mills Hall, Terre Haute
- (17) 14-1-42 Indianapolis Zoo Orangutan Exhibit Store, Indianapolis
- (18) 14-1-43 Rural King, Columbus
- (19) 14-1-46(a) IU Health Methodist Hospital C-8 Behavioral Care Unit, Indianapolis
- (20) 14-1-47 The Heritage of Ft. Wayne, Ft. Wayne
- (21) 14-1-48 Le Meridien Hotel Renovation, Indianapolis
- (22) 14-1-51 REMAX Offices South Village, Zionsville
- (23) 14-1-54(b) Three Great Brothers Addition, New Haven
- (24) 14-1-58 Wilson Farm Market, Arcadia
- (25) 14-1-66 City of Kokomo Parking Garage, Kokomo
- (26) 14-1-70 Pike High School, Indianapolis
- (27) 14-1-71(a)(b) Brotherhood Mutual Insurance Company, Ft. Wayne

14-1-28(b) Withdrawn by proponent

The following variances were heard separately:

- (28) 14-1-1 Georgetown Road Church, Indianapolis

The proponent had requested the variance application be tabled. Commissioner Brenner moved to table, with the second by Commissioner Corey. It was voted upon and carried.

- (29) 14-1-2 720 Northwestern, West Lafayette

The application was incomplete and ineligible to be heard. Commissioner Corey moved to table, with the second by Commissioner Mitchell. It was voted upon and carried.

- (30) 14-1-4 2370 S. Henderson, Bloomington

The application was incomplete and ineligible to be heard. Commissioner Corey moved to table, with the second by Commissioner Brenner. It was voted upon and carried.

- (31) 14-1-5 Stone Church Apartments, Bloomington

The application was incomplete and ineligible to be heard. Commissioner Corey moved to table, with the second by Commissioner Brenner. It was voted upon and carried.

- (32) 14-1-6 2404 S. Woolery Mill Drive, Bloomington

The application was incomplete and ineligible to be heard. Commissioner Corey moved to table, with the second by Commissioner Brenner. It was voted upon and carried.

- (33) 14-1-7 Wildridge Association Inc, Birdseye

The application was incomplete and ineligible to be heard. Commissioner Corey moved to table, with the second by Commissioner Mitchell. It was voted upon and carried.

Chairman Hawkins had noted he would abstain from voting on variance application 14-1-12, and handed the meeting over to Vice-Chairman Mitchell.

- (34) 14-1-12(a)(b)(c)(d) Mitchell Public Library Interior Renovation, Mitchell

Ed Rensink, RTM Consultants, spoke as proponent. Variances (a) and (b) had qualified for inclusion in the block vote. Commissioner Corey moved to approve (a) and (b), with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (c) was a request to allow the existing stairs in this Carnegie Library to remain as built, instead of complying with current code, due to the historic nature of the building. Variance (d) was a request to allow areas of refuge to be omitted in the reconfiguring of the stairway found in the 1994 addition. The reconfiguration was to enhance the security

of the building. Following discussion, Commissioner Brenner moved to approve both (c) and (d), with the second by Commissioner Cloud. It was voted upon and carried.

Chairman Hawkins resumed as chairman of the meeting at this time.

(35) 14-1-13(d) Kokomo High School Stadium Renovation, Kokomo

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The third floor of the press box will have a non-compliant spiral stair as its only means of egress for a calculated occupant load of 42. The proponent advised that the area would be used by coaches, filming crews and press only, with a posted occupant load of 15 persons. An elevator, with emergency power, would provide accessible egress. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(36) 14-1-15(a)(b) Lawrenceburg High School Gymnasium Addition, Lawrenceburg

Ed Rensink, RTM Consultants, spoke as proponent. In variance (a), the request was to allow temporary egress, with plywood enclosures to be provided, during construction. Temporary exit signage and lighting would be provided, as well as fire drills conducted to familiarize the occupants with the pathways. The expected length of use of the temporary egress would be until the beginning of the 2015 school year. Variance (b) was a request to allow the use of a non-rated window in a 2-hour fire barrier wall between the pool area and a rated corridor in the existing building. Following discussion, Commissioner Brenner moved to approve both (a) and (b), with the condition that variance (a) be effective until August 2015. Commissioner Von Deylen made the second. It was voted upon and carried.

(37) 14-1-16 Emanuel Lutheran Church Storage Building, Evansville

The proponent was delayed in his arrival due to weather conditions, and it was decided that the variance be moved towards the end of the agenda.

(38) 14-1-18 Roche Diagnostics Learning and Development Center, Indianapolis

The variance was incomplete and ineligible to be heard. Commissioner Corey moved to table, with the second by Commissioner Cloud. It was voted upon and carried.

- (39) 14-1-20 1002 Broad Ripple Avenue, Indianapolis
- (40) 14-1-21 Iron Works, Indianapolis

The variances were incomplete and ineligible to be heard. Commissioner Corey moved to table both, with the second by Commissioner Cloud. It was voted upon and carried with Commissioner Von Deylen abstained from voting on 14-1-20.

- (41) 14-1-23(a)(b)(e)(f) Artistry Phase II North Building, Indianapolis

Ralph Gerdes, Ralph Gerdes Consulting, appeared as proponent. Variance (a) was to allow a new, five story mixed-use building to use wood framing in the upper floors and a "modified podium" with steel framing and wood trusses for the first floor. A 2 hour fire rated floor separation would be provided between the first story and the upper floors. Following discussion, Commissioner Brenner moved to deny with Commissioner Cloud making the second. It was voted upon and carried with Commissioner Von Deylen abstaining. Variance (b) was to allow the structure to have a 13R system for the apartments. Code allows only up to 4 floors using the 13R system. Following discussion, Commissioner Brenner moved to approve with the condition of a 3 hour floor separation between the first and upper floors, with the second by Commissioner Cloud. It was voted upon and carried. Commissioner Von Deylen abstained. Variance (e) was to allow the firewalls to not extend through the podium. Commissioner Cloud moved to approve with the condition of a 3 hour separation between the first and upper floors. Commissioner Brenner made the second. It was voted upon and carried. Commissioner Von Deylen abstained. Variance (f) was to allow a modified podium structure for the first floor, containing apartments, with offices, shops and restaurants in the future. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Cloud. It was voted upon and carried. Commissioner Von Deylen abstained.

- (42) 14-1-24(a)(b)(e) Artistry Phase II South Building, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a) was to allow the building to exceed the allowable number of stories for the mixed use type of construction. Following discussion, Commissioner Brenner moved to deny, with the second by Commissioner Hite. It was voted upon and carried. Commissioner Von Deylen abstained. Variance (b) was a request to use a type 13R system, while exceeding the allowable number of floors permitted for use of the system. Variance (e) was to allow the use of an NFPA 13 system for the retail area and an NFPA 13R for the apartments in the podium of the building. Variance (e) had been incorrectly listed as (f) on the staff report. Following discussion, Commissioner Brenner moved to approve both (b) and (e), with the second by Commissioner Hite. It was voted upon and carried. Commissioner Von Deylen abstained.

- (43) 14-1-16 Emanuel Lutheran Church Storage Building, Evansville
- (44) 14-1-19 HealthSouth Storage Building, Evansville
- (45) 14-1-22 Boonville IGA Storage Building, Boonville

Roger Lehman, RLehman Consulting, spoke as proponent. In variance 14-1-16, the church had constructed a storage building in which to store materials for their outreach program. Their CDR for the building required an emergency eyewash station and shower from Table 29, though the building had no water and had available restrooms located in the church, within 500 feet. Staff questioned if a variance was required, and asked for guidance from the Commission for future reference. Following discussion, the Commission members decided that if: 1) the building is normally not occupied; 2) the building has no plumbing filed as part of the project and plumbing is not otherwise required; and 3) the building is used only for storage, it would not require a variance. Mr. Lehman noted that two other variances he had filed, 14-1-19 and 14-1-22, also met the criteria. Commissioner Corey then moved that no variance was required for 14-1-16, Emanuel Lutheran Church Storage Building, Evansville, 14-1-19, Health South Storage Building, Evansville, and 14-1-22, Boonville IGA Storage Building, Boonville. Commissioner Von Deylen made the second. It was voted upon and carried.

- (46) 14-1-27 Penn Street Tower Renovation, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. New elevator cabs and controls were being installed as part of the renovation in compliance with a Chapter 34 evaluation. The request was to omit the standby generator for the elevator. Battery backup would be provided for recall. A transfer switch for one elevator to provide future generator hook-up would be provided. Commissioner Corey questioned the proponent's position on battery backup and transfer switches for a portable generator, noting that the project was a 15 story building which would not use a hydraulic elevator. The proponent then asked that the variance be tabled to allow him time to research options, including dual feed. Commissioner Corey moved to table, with the second by Commissioner Cloud. It was voted upon and carried.

- (47) 14-1-29 Kenworth of Ft. Wayne Storage, Ft. Wayne

The proponent was not available for questions. Commissioner Von Deylen moved to table, with the second by Commissioner Corey. It was voted upon and carried.

- (48) 14-1-32 Team Combat Live, Hobart

Joshua Magner, Hobart Fire Department, was present to address the Commission, though the proponent was not available for questions. The facility had been listed as an educational facility, providing adult training. Mr. Magner noted that the all-wood construction building was a laser tag maze facility which allowed participation by

persons as young ten years of age and private parties, and that the instruction was limited solely to how to operate the laser. The facility was dark, with vision obscured by smoke. There were multiple mezzanine levels, with inadequate railings and only one way on and off. State Fire Marshal Jim Greeson advised the Commission that he had spoken to the owner of Team Combat Live, and the gentleman felt that he was still an educational facility and should not have to file a change of use. To allow the proponent the opportunity to present his request, Commissioner Cloud moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried. A set of floor plans and photographs were requested from the proponent for the meeting on February 4, 2014.

- (49) 14-1-33 Hoosier Road Elementary School Security Vestibule, Fishers
- (50) 14-1-34 Brooks School Elementary School Security Vestibule, Fishers
- (51) 14-1-36 Geist Elementary School Security Vestibule, Fishers

Ed Rensink, RTM Consultants, spoke as proponent. The Hamilton Southeastern Schools were installing security vestibules to allow visitors into the office reception area only and not directly into the school itself. This was to be achieved by installing a wall and set of double doors to create the vestibule within the existing building. Due to hardships created by the existing building, the code-required 84" cannot be provided. The turning radius within the vestibule, however, complies with Section 304 of ANSI A-117.1. Marc Reynolds, IDHS, advised the Commission that he had spoken to the Fisher Fire Department and they did not object to the variances. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Corey. It was voted upon and carried, with one nay vote.

Breaking and reconvening. Chairman Hawkins recessed the Commission for lunch at 12:32 p.m. It was called back to order at 1:10 p.m.

- (52) 14-1-35(a)(b) BSU Geo Conservation District Energy Station South, Muncie

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. A second floor addition had been filed for the facility for additional chillers. Plan Review conditioned the release by requiring accessibility compliance, an elevator, etc. The proponent felt they fell under an exemption for mechanical equipment spaces from accessibility requirements, and being less than three stories exempted them from the elevator requirement. He also felt the office which served the control room space should be considered part of the control room. Following discussion, Commissioner Von Deylen moved to approve variance (a), with the second by Commissioner Richard. It was voted upon and carried. Variance (b) was a request to omit a main entrance vestibule. It was noted that the code section on the application was incorrect, and should be Section 4.1.1 of the Energy Code. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (53) 14-1-37(c) Indiana State University Mills Hall, Terre Haute

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow new student lounges on each of the residence floors to be open to the corridor. The building is of non-combustible construction, sprinklered, and complies with NFPA 101 for residential occupancies. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Commissioner Cloud abstained.

- (54) 14-1-38(a)(b)(c)(d) Double Tree Hotel – Conference Center – Residences, Evansville

Ed Rensink, RTM Consultants, spoke as proponent. The request in variance (a) was to omit the party wall between the hotel/conference center portion of the building and the residences, and designate the entire building as a single high rise building. There are shared fire protection systems and a common fire command center. The means of egress elements are to be covered under a legal easement agreement which would ensure they are maintained in perpetuity as a single property. Following discussion, Commissioner Richard moved to approve, with the second by Commissioner Brenner. It was voted upon and carried. Variance (b) was withdrawn by the proponent. Variance (c) was a request to allow the wall between the parking garage, owned by the city, and the Double Tree facility to be separated by a 2 hour fire barrier. Openings were to be 90 minute rated openings. The hotel facility was to be sprinklered. The restroom and storage room of the parking garage were to be sprinklered as well. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Brenner. It was voted upon and carried. Variance (d) was a request to allow the electrical service conductors to be placed on the garage side of the demising wall for ease of access during servicing. The two ownership entities have legal easement agreements in place for service access. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

- (55) 14-1-39 Kokomo Housing Authority Superior Street Apartments, Kokomo

No proponent was available for questions. Commissioner Brenner moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (56) 14-1-40 Grooms Tire Recycling, Indianapolis

The proponent had requested that the application be tabled. Commissioner Von Deylen moved to table, with the second by Commissioner Hite. It was voted upon and carried.

(57) 14-1-41 Bunker Hill Drag Strip, Bunker Hill

Doug Trent, RTM Consultants, spoke as proponent. The request was to omit sprinklers in the restaurant/bar with an occupant load of greater than 100. The facility is in a rural area and not served by a public water system. The existing kitchen has a Type 1 hood and automatic suppression system. A hard-wired smoke detection system will be installed throughout the building, and the dining area has three exits instead of two as required by code. Following a discussion of alternatives, Commissioner Brenner moved to table to allow the proponent time to do additional research. Commissioner Mitchell made the second. It was voted upon and carried.

(58) 14-1-44 Grace Banquet Hall and Apartments, Greenfield

Doug Trent, RTM Consultants, spoke as proponent and stated that the records on this existing building are few. The owner recently passed away and the facility was put in a trust for the widow. It contains an office, banquet area, and 3 small apartments. He also stated that the local officials had been aware of it since at least 1994. An order had been written by state inspectors for an escape and rescue window, and was revoked, and an order had been written for change of use without filing. They would like to continue to use the building as it currently stands. Following discussion, Commissioner Richard moved to table to allow the proponent to provide detailed drawings and photographs, with the second by Commissioner Mitchell. It was voted upon and carried.

(59) 14-1-45 Children's Museum of Indianapolis Terre Cotta Warriors, Indianapolis

Christina Colletter, RTM Consultants, spoke as proponent. The request was to allow the use of a noncompliant door, called a moon door, to serve as a required exit in the wall separating the display area from the gathering area. The exit doors will not swing in the direction of egress. They are sliding doors which are to be operated by museum staff as part of the presentation, allowing a counted number of visitors into the area at a time. Following discussion, Commissioner Brenner moved to deny, with the second by Commissioner Cloud. The proponent asked if it could be tabled instead to allow her to talk with the museum staff. The original motion was voted upon and failed. Commissioner Corey then moved to table to allow the proponent to return with additional information and alternatives, with the second by Commissioner Von Deylen. It was voted upon and carried.

(60) 14-1-46(b) IU Health Methodist Hospital C-8 Behavioral Care Unit, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow outlets to be mounted on the headwall. The facility had been cited by the City of Indianapolis.

Commissioner Richard moved no variance was required, with the second by Commissioner Von Deylen. It was voted upon and carried.

(61) 14-1-49 Jasper Girls Softball Facility, Jasper

Ed Rensink, RTM Consultants, spoke as proponent. The lack of the fire department access road for the facility had been cited. The request was to allow a delay of 8 months to allow the weather to improve before compliance was achieved. The local fire department did not object to the variance. Following a brief discussion, Commissioner Cloud moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(62) 14-1-50 Illinois Place, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. Clearances between cabinets, counter tops and appliances in the kitchens were not compliant in both the Type A and Type B units. The hardship is that the building is substantially completed and this would affect all the ground floor units. Following discussion, the proponent requested the application be tabled to allow him to talk with the architect to review for possible options for compliance. Commissioner Richard moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

Breaking and reconvening. Chairman Hawkins recessed the Commission at 2:34 p.m. It was called back to order at 2:46 p.m.

(63) 14-1-52 The American Building, Indianapolis

The variance was incomplete and ineligible to be heard. Commissioner Corey moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

(64) 14-1-53 RDM Sales and Service, Ferdinand

Commissioner Brenner moved to table, with the second by Commissioner Von Deylen. Following discussion as to if a variance was even required based on the information in the application, the motion was withdrawn. Commissioner Cloud then moved that no variance was required, with the second by Commissioner Corey. It was voted upon and carried.

- (65) 14-1-54(a) Three Great Brothers Addition, New Haven

Matt Kelty, architect, spoke as proponent. An addition was to be made to an existing structure used by an Amish business. As per their beliefs, no electrical service is available to power emergency lighting. The request was to omit emergency lighting. The business, small engine repair, operates during daylight hours only. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried, with one nay vote.

- (66) 14-1-55 Old Dominion Truck Leasing, Inc, Goshen

The proponent requested the application be tabled. Commissioner Corey moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (67) 14-1-56 Waste Management, South Bend

The proponent requested the application be tabled. Commissioner Corey moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (68) 14-1-57 Long Beach Country Club Rear Deck Tent, Long Beach

The proponent had requested the application be tabled. Commissioner Corey moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (69) 14-1-59 MetalX LLC Support Buildings, Waterloo

The application was incomplete and ineligible to be heard. Commissioner Von Deylen moved to table, with the second by Commissioner Corey. It was voted upon and carried.

- (70) 14-1-60(a)(b)(c) Bumgarner Building Truck Wash Building, Uniondale

The application was incomplete and ineligible to be heard. Commissioner Corey moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (71) 14-1-61(a)(b)(c)(d) Edge Manufacturing West Addition, Bluffton

The application was incomplete and ineligible to be heard. Commissioner Corey moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

(72) 14-1-62 BDC Building Roof Remodel, Bluffton

The proponent requested the application be tabled. Commissioner Corey moved to table, with the second by Commissioner von Deylen. It was voted upon and carried.

(73) 14-1-63 Steel Dynamics Inc. Equipment Lean-to Addition, Jeffersonville

Tim Callas, J & T Consulting, spoke as proponent. The proponent did not have the signature of the owner in hand, saying they were mailed to him and he had not yet received them. The Commission decided to allow the application to be heard. The proponent noted that, during the review process, an aerial view of the existing building had been used to determine it was not in compliance. They were told, in a non-appealable RFI document, either sprinklers or a variance was needed. It was assumed that the fire department access openings were compliant, due to a lack of citations from either the local or state level when previous additions were constructed, and, per the proponent, the current addition is compliant. Following discussion, Commissioner Mitchell moved no variance required, with the second by Commissioner Hite. It was voted upon and carried.

(74) 14-1-64(a)(b)(c) Center Grove High School Renovation, Greenwood

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. Variance (a) is a request to delete several fire walls in a three-story, existing school and treat the school as an unlimited area building for construction type. Academic and administrative areas are being moved, and the fire walls are to be removed to allow this. The school is built on a slope, and each level has an exit directly to the exterior. The existing 4 hour fire walls will remain. The building is sprinklered. The Bargersville Fire Department did not object to the variances. Commissioner Corey moved to approve (a), (b), and (c), with the second by Commissioner Brenner. It was voted upon and carried.

(75) 14-1-65 Cardinal Square Parking Facility, Muncie

The variance was now complete, and would have been eligible for block vote. Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(76) 14-1-67 800 Capitol, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The building is being converted to apartments, and a Chapter 34 evaluation was done. The partial basement of the building, built in 1913, is not sprinklered, and contains only water and sewer piping. The request

was to omit sprinklers in the basement of the building. There will be no use of the space, including storage. The doors to the basement will be kept locked, and the key kept in a Knox Box for use by the fire department. Following discussion, Commissioner Brenner moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(77) 14-1-68(a)(b) Watermark at Cumberland, Fishers

The proponent requested that the variance application be tabled. Commissioner Corey moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

(78) 14-1-69(a)(b)(c) Model Mill Building, Noblesville

Ed Rensink, RTM Consultants, spoke as proponent. The variance applications were resubmissions of variance 13-02-27 requesting alterations of the maximum occupant load of the 4th and 5th floors, clarification of the use of the 5th floor deck for bridal photographs. The owner, Hassan Shanehsaz, also spoke, as well as Dean Illingworth, IDHS Building Law Compliance Officer. Previous variances were reviewed, and planned changes for the fifth floor and deck discussed at some length. Plans had been provided, showing event spaces, exits and stairs. Mr. Illingworth requested that owner, Mr. Shanehsaz, work with him and do no further work that has not been filed. Following discussion, Commissioner Corey moved to table all three variance applications until the owner met with Mr. Illingworth, with the second by Commissioner Cloud. It was voted upon and carried. Commissioner Mitchell abstained.

(79) 14-01-71(c) Brotherhood Mutual Insurance Company, Ft. Wayne

The proponent was not available for questions. The request was to allow buffers in place of springs. Commissioner Corey moved to approve, with the second by Commissioner Cloud. It was voted upon and carried.

(80) 13-12-25 Ash Tenant Space, Carmel

Tim Callas, J & T Consulting, spoke as proponent. The proponent noted that the code section on the application should be changed to 1008.1.9.8. The request was to be allowed to install magnetic locks for tenant security. Product literature of the Siemens Products magnetic locks was given to staff, with the proponent stating they would meet the 2006 International Fire Code. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(81) 14-01-52 The American Building, Indianapolis

Commissioner Corey moved to rescind the previous motion to table, with the second by Commissioner Mitchell. Commissioner Mitchell then moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

Chairman Hawkins moved the Nonfinal Orders forward while Mara Snyder, Director, Legal and Code Services, had been called away from the meeting.

4. Discussion and Commission Actions

McNamara Florist
Administrative Cause No. 13-13
Order - Local Fire Department
Nonfinal Order of Dismissal

CrownPointe of Indianapolis
Administrative Cause No. 13-21
Order – Fire and Building Code Enforcement
Nonfinal Order of Dismissal

Norwell High School
Administrative Cause No. 13-22
Order – Fire and Building Code Enforcement
Nonfinal Order of Dismissal

Reitz Memorial Soccer Field Concession building
Administrative Cause No. 13-29
Condition of Variance
Nonfinal Order of Dismissal

Charity Casino Club
Administrative Cause No. 13-20
Order – Fire and Building Code Enforcement
Nonfinal Order of Dismissal

Midwest Technical Institute
Administrative Cause No. 13-12
Order – Local Fire Department
Nonfinal Order of Dismissal

Parrish Consulting Services, Inc.
Administrative Cause No. 13-11
Order – Fire and Building Code Enforcement
Nonfinal Order of Dismissal

Commissioner Corey moved to affirm the Nonfinal Orders of the Administrative Law Judge. Commissioner Mitchell made the second. It was voted upon and carried.

Mara Snyder returned to the meeting at this time.

5. Reconsideration of Variance 13-12-54 (Pizza Hut) – signatures not provided as required by Commission action at December meeting

Mara Snyder, Director, Legal and Code Services, presented the request for reconsideration. Copies of the variance in question had been provided to the Commissioners. Following discussion, Commissioner Corey moved that no variance was required, with the second by Commissioner Cloud. It was voted upon and carried.

6. Discussion and possible adoption of LSA Doc #12-522 (NFPA 72-2010)

Chairman Hawkins opened Commission discussion of LSA Doc #12-522. Mara Snyder, Director, Legal and Code Services, reminded the members that they had received a memo from her dated December 18, 2013, with recommended changes to the proposed rule. After a brief discussion of the staff memo, Commissioner Mitchell then moved to adopt LSA Doc #12-522, as published in the Indiana Register on July 17, 2013, as DIN: 20130717-IR-6751200522PRA, as amended by the recommended changes contained in the memo from Mara Snyder dated December 18, 2013, and as further amended in item number 80 of the memo to insert “3.” after “26.2” and as further amended in item number 81 of the memo to insert “(B)” after “26.6.3.2.1.4”, with a second by Commissioner Corey. The motion passed unanimously.

7. Discussion of memo from Commissioner Corey concerning sprinkler installations in elevator machine rooms and possible requirement for alteration permit

An interpretation of code by Federal licensing entities for long term care facilities participating in Medicare/Medicaid reimbursement mandated a sprinkler be installed in elevator control rooms in order to comply with their definition of a fully sprinklered building. Commissioner Corey explained that the Elevator Safety Section was requiring an alteration permit for the installation of the sprinkler head and the associated shunt trip. He disagreed with the interpretation requiring an alteration permit because the work being done did not relate to the elevator itself. Following discussion, the members of the Commission determined that the work does not require an alteration permit.

8. Discussion of interpretation request concerning 2005 Indiana Residential Code, duct insulation requirements

Matt Brown, Energy Diagnostics, appeared at the invitation of the Commission to discuss duct insulation requirements in the 2005 Indiana Residential Code. An issue had arisen with an LBO concerning performance verses prescriptive compliance avenues for duct insulation. He discussed the various mandated requirements and options available to homebuilders, noting the minimum of R-6 was required in an unconditioned space. Following further discussion and input from Dean Illingworth, Building Law Compliance Officer, it was requested Dean Illingworth write a letter to the Lake County official stating it would be acceptable to allow R-6 duct insulation.

9. Discussion and Commission Action

Technology Center Associates, LP
Administrative Cause No. 13-14
Order – Fire and Building Code Enforcement/ Div. Elevator Safety
Nonfinal Order

Commissioner Corey and Mara Snyder were unable to participate in the discussion due to ongoing litigation associated with this facility. Following a lengthy discussion, Commissioner Von Deylen moved that there be a notice of intent to review the order made, with briefs to be filed by February 14, 2014. The second was made by Commissioner Brenner. It was voted upon and carried.

10. Discussion and Commission action on Petitions for Review (Timely filed unless otherwise noted.)

L. M. Zeller, Individually, and
d/b/a Zeller Elevator Company,
Leo Mark Zeller, Andrew M. Boeglin,
Matthew Boeglin, and Louis M. Zeller III
Elevator license denials – Div. of Elevator Safety

Commissioner Corey moved to grant the petition for review which had been timely filed, with the second by Commissioner Hite. It was voted upon and carried.

Sri Shirdi Saibaba Sansthan of Tristate – *not timely filed*
Appeal of variance 13-11-81 (condition requiring payment
of fire watch invoices)

Commissioner Mitchell moved to deny the petition for review which had not been timely filed, with the second by Commissioner Hite. It was voted upon and carried.

11. Comments – Mara Snyder

Ms. Snyder, Director, Legal and Code Services, thanked everyone for attending despite the weather. She noted the Budget analyst has reviewed the Fuel Gas Code and Fire Code and has forwarded them along the chain of command. The NFPA 72 packet should be delivered to the AG's office by January 10th. She's hoping to have responses from the Office of Budget and Management on the four big codes by the end of January. She had hoped to have an effective date of July 1 for the four codes, but that will not be possible now, due to the 90-day effective date. In order to have a uniform set of dates for the four big codes, she will now need to aim for September 1st.

12. Chairman Hawkins then adjourned the meeting at 5:00 p.m.

APPROVED

John Hawkins, Chairman